

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK-----X
UNITED STATES OF AMERICA :

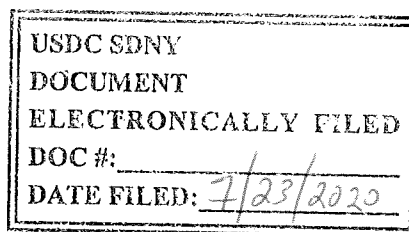
v. :

JOHN MCGUIGAN, :

Defendant. :

ORDER

18 CR 585-01 (VB)



By Order dated July 2, 2020 (Doc. #107), the Court denied without prejudice defendant John McGuigan's undated motion for a reduction of sentence pursuant to 18 U.S.C. § 3582(c)(1)(A)(i) (*see* Doc. #105), because defendant's submission did not indicate whether the exhaustion requirement, a prerequisite to making such a motion, had been satisfied.

On July 23, 2020, defendant filed a letter with attachments, which show that on some date on or prior to May 15, 2020, defendant made an application to the warden of his facility for compassionate release under Section 3582(c)(1)(A)(i), and that on May 15, 2020, the warden denied defendant's request. (Doc. #111).

Thirty days following the warden's May 15, 2020, response to defendant's compassionate release application would be June 14, 2020. Accordingly, more than thirty days have lapsed since the warden's receipt of defendant's application. For this reason, defendant's motion, if filed today, would be timely under Section 3582(c)(1)(A). In consideration of defendant's *pro se* status, and the fact that he is in custody, rather than require defendant to re-file his motion for a reduction of sentence, the Court deems the motion re-filed as of today. (*See* Doc. #105).

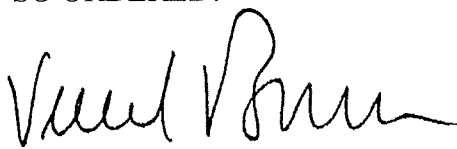
Accordingly, by August 6, 2020, the government is directed to file its response to defendant's motion. (Doc. #105). The government is directed to address the merits of the motion.

Chambers will mail a copy of this Order to defendant at the following address:

John McGuigan, Reg. No. 86061-054
FCI Danbury
Federal Correctional Institution
Route 37
Danbury, CT 06811

Dated: July 23, 2020
White Plains, NY

SO ORDERED:


 Vincent L. Briccetti, U.S.D.J.